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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/378,219	08/19/1999	JEFFRY JOVAN PHILYAW	PHLY-24.668	8860

25883 7590 09/18/2002

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EXAMINER

KANG, PAUL H

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 09/18/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/378,219

Applicant(s)

PHILYAW ET AL.

Examiner

Paul H Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5,7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4 and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Randell et al., US Pat. No. 6,415,439.

3. As to claims 1 and 11, Randell teaches an interactive doll and a method of operating an interactive doll, comprising (see abstract):

a doll having one or more sensors, said one or more sensors operable to trigger output of a signal from said doll in response to being activated by physical stimuli of a user, said doll located at a first node of a global communications network (col. 7, lines 21-37 and col. 6, line 50 – col. 11, line 35);

a processor for processing said signal, said processor located at said first node and operable to link said signal with one or more remote nodes located on said global

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communications network (col. 6, line 50 – col. 11, line 35 and col. 12, line 18 – col. 13, line 41) and

wherein said one or more remote nodes return information to said processor for presentation to said user, in response to said one or more sensors being activated (abstract, col. 6, line 50 – col. 11, line 35 and col. 12, line 18 – col. 13, line 41).

4. As to claims 2-4 and 12-14, Randell teaches one or more sensors are pressure sensors located within the doll and connected to said processor using cables, and said signal is an audible tone having encoded therein, uniquely identifying said tone with said sensor (col. 6, line 50 – col. 11, line 35 and col. 7, lines 21-37).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-10 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randell et al., US Pat. No. 6,415,439 in view of Call, US Pat. No. 5,913,210.

6. As to claims 5, 10, 15 and 20, Randell teaches a system and method wherein said doll has associated therewith routing information such that activation of said one or more sensors triggers assembly of a message packet by said processor, said message packet containing said routing

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information which is inserted into a communication program (col. 11, line 35 – col. 13, line 41).

However, Randell does not explicitly teach said message packet is transmitted for accessing an advertiser reference server at one of said one or more remote nodes. In the same field of endeavor, Call teaches a system and method for retrieving product information from advertisers in response to routing information associated with the product (Call, col. 1, lines 13-65 and col. 2, line 16 – col. 3, line 45).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the automatic retrieval of product information as taught by Call into the interactive doll of Randell for the purpose of enhancing the interaction of user to the product.

7. As to claims 6 and 16, Randell-Call teach a system and method wherein said advertiser reference server performs a table lookup to cross reference information of said message packet with a manufacturer of said doll to obtain the routing information of a web server of said manufacturer located at one of said one or more remote nodes (Call, col. 3, line 48 – col. 6, line 30).

8. As to claims 7, 8, 17 and 18, Randell-Call teach a system and method wherein said message packet further comprises sensor-specific information, toy-specific information, and a unique identification number of said user and the manufacturer returns information related to the activated sensor (Randell, col. 3, line 47 – col. 4, line 7 and Call, col. 3, line 48 – col. 6, line 30).

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9. As to claims 9 and 19, Randell-Call teach a system and method wherein information, such as commands, data and program configuration, is downloaded in response to sensors (Randell, col. 10, line 51 – col. 13, line 41).

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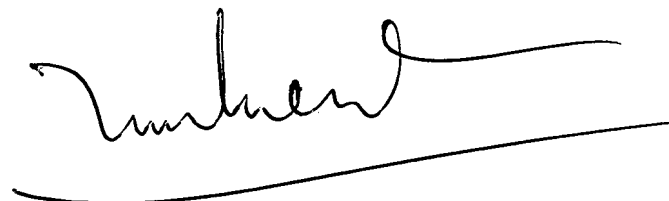
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Paul H Kang
Examiner
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September 10, 2002



LE HIEN LUU
PRIMARY EXAMINER